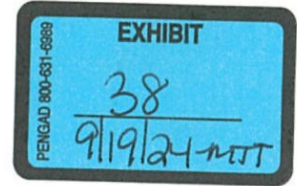


Exhibit 38



**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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**SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN,
and, CASSIDY WOOD,**

PLAINTIFFS,

CASE NO. 1:22-CV-00381-CCR

-against-

TRUSTEES OF CANISIUS COLLEGE,

DEFENDANTS.
-----X

**DECLARATION OF [REDACTED]
PURSUANT TO 28 U.S.C. § 1746 UNDER PENALTY OF PERJURY**

1.I am over the age of eighteen, suffer from no legal disabilities, have personal knowledge of the facts set forth below, and am competent to testify.

2.I understand I am making the statements in this Declaration under oath. This Declaration is true and accurate to the best of my knowledge.

3.I attended Canisius College from 2016 to 2020 and graduated with a dual degree in Biology, and Animal Behavior and Environmental Conservation ("ABEC").

4.I started taking ABEC program classes in the fall of 2017.

5.In 2018, I took Sex Evolution and Behavior, which was taught by Dr. Michael Noonan, and was a required ABEC program course.

6.During one of our Sex Evolution and Behavior class sessions, Dr. Noonan distributed a survey that focused on our own sexual experiences, which is not relevant to the subject of evolution.

7. Dr. Noonan explained that we had to respond to the survey questions on a small piece of paper in our own handwriting without providing our name.

8. The questions on the survey solicited information about my age, gender, sexual orientation/identity and "body count," or the number of people I had sex with.

9. Other survey questions were more intrusive and solicited information about whether I had ever been sexually assaulted.

10. I never experienced being asked invasive questions like that when I attended classes in the Canisius Biology Department.

11. For that reason, I reported the content of Dr. Noonan's student sex survey for the Sex Evolution and Behavior class, and how uncomfortable it made me feel, to Dr. Daniel Haeusser and to Dr. Sara Tulin, professors in the Canisius Biology Department.

12. Dr. Haeusser and Dr. Tulin both encouraged me to report Dr. Noonan's student sex survey for the Sex Evolution and Behavior class, and how uncomfortable it made me feel, to Dr. Susan Margulis, who was the Chairperson of the ABEC program.

13. I scheduled a meeting with Dr. Margulis sometime during the Fall of 2018.

14. During that meeting, I told Dr. Margulis about the Dr. Noonan's student sex survey for the Sex Evolution and Behavior class and the inappropriate questions that it contained.

15. I also told Dr. Magulis about Dr. Noonan's inappropriate comments during class, which included Dr. Noonan's declaration that "Rape should be expected in humans!" and "Forced copulation is ecologically beneficial!"

16. I informed Dr. Magulis that Dr. Noonan discussed paternity in humans and stated that "it makes sense that men don't want to stick around and raise children biologically."

17. I told Dr. Magulis that Dr. Noonan's comments normalizing rape and paternal abandonment were as disturbing as the sex survey.

18. Regarding the sex survey, I also shared with Dr. Margulis that Dr. Noonan compiled the results from the survey and shared them with the class, which he did not tell us he would do at the time he distributed the survey.

19. Because of the small class size, it was easy to figure out who responded to certain questions as they had, even though the survey was allegedly anonymous. This resulted in the "outing" of queer and sexually promiscuous members of the class.

20. I found Dr. Noonan's obvious disregard for student privacy about our sex lives to be very disconcerting.

21. I also told Dr. Margulis that during one session of the Sex Evolution and Behavior class, Dr. Noonan put up images of men on the white board and wanted the class to comment on which men we found most attractive, which had absolutely nothing to do with what we should have been learning.

22. Dr. Margulis did not act surprised by any of the information I shared with her about Dr. Noonan's sexual misconduct.

23. Dr. Margulis told me that I was not the only student who had come forward and shared with her that Dr. Noonan engaged in sexual conduct that made them uncomfortable.

24. Dr. Margulis stated that Dr. Noonan's sexual misconduct in class had been a problem for "some time."

25. Dr. Margulis told me that "not enough reports" had been made regarding Dr. Noonan's sexual misconduct and that she was "working hard" to get enough reports made.

26. At one point during our conversation, Dr. Margulis stated that Dr. Noonan seemed “untouchable” because of the clout he had at Canisius College.

27. Dr. Margulis told me that she would “file” my complaint and I trusted that she would make sure my complaint would reach the appropriate administrators of the College.

28. I never heard back from Dr. Margulis, nor did I ever hear from anyone in the administration of Canisius College about my complaint regarding Dr. Noonan’s sexual misconduct in the Sex Evolution and Behavior class that I took during the Fall of 2018.

29. I did not know that Dr. Noonan engaged in sexual misconduct before I took the Sex Evolution and Behavior class with him, and never took another class taught by him again.

30. I very much enjoyed learning about evolutionary biology, but I did not enjoy attending the Sex Evolution and Behavior class because of Dr. Noonan’s misbehavior.

31. I believe I was not alone in feeling this way.

32. Many students had an interest in the ABEC program classes that Dr. Noonan taught. However, Dr. Noonan’s sexual misconduct discouraged many students, like myself, from taking his classes because we believed that his problematic behavior hindered our learning.

33. The contents of this Declaration are true and accurate to the best of my knowledge.

Dated: July 26, 2023

